

REMARKS

Status of the Application

Claims 1-10 are pending in the application and have been examined.

The Office Action indicates that claims 1-11 are pending and claim 11 is withdrawn from consideration. Claim 11 was canceled in the Amendment filed on August 7, 2009, and therefore is no longer pending. Accordingly, only claims 1-10 are presently pending in the application.

Claim Rejections

Claims 1-10 --- 35 U.S.C. § 112

Claims 1-10 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

With regard to claims 1 and 6, the Examiner alleges that the limitations "receiving first signals which are to be transmitted on dedicated channels being assigned to the first carrier frequency to provide two first signal components for transmit diversity — wherein the first and second signals are real time signals and the third and fourth signals are non-real time signals, the real time signals including at least one of voice signals and video signals" are not supported by the specification.

Applicant respectfully submits that the above-noted limitations are supported throughout the specification and drawings at least, for example, at FIG. 7; page 13, line 18-page 14, line 6; page 14, lines 11-16; page 15, lines 6-15; and page 17, lines 13-17 in the filed specification.

As illustrated in FIG. 7, first and second real-time signals are received at transmit diversity modules 102 and 104, and each module outputs two signal components. Third and

fourth non-real time signals are received at code multiplexers 118 and 120, and each code multiplexer outputs two signal components. First adder 106 adds one component of the first through fourth signals, and second adder 108 adds the other component of the first through fourth signals. First and second power amplifiers 110 and 112 power amplify the results of the first and second adding.

The remaining limitations are disclosed in the specification at least as follows:

“wherein the first carrier frequency and the second carrier frequency are alternately assigned to the plurality of user equipments in an order in which the plurality of user equipments become active,” — See page 13, line 20-page 14, line 4 which discloses, "carrier frequencies are assigned to UEs which become active alternately. ... The first UE which becomes active, i.e. UE_i , is assigned to the first carrier frequency f_1 . The second UE which becomes active, i.e. UE_n is assigned to the second carrier frequency f_2 . The next UE which becomes active, i.e. UE_j , is assigned to the first carrier frequency f_1 , and so on."

“wherein each of the first and second signals is assigned to either the first carrier frequency or to the second carrier frequency,” — See FIG. 7 which illustrates that first HS-DSCH input to code multiplexer 118 and first DPCHs input to 2Tx Div. 102 are assigned to f_1 (that is, the first carrier frequency), and second DPCHs input to 2Tx Div. 104 and second HS-DSCH input to code multiplexer 120 are assigned to f_2 (that is, the second carrier frequency).

“wherein each of the user equipments is assigned to one of the first and second carrier frequencies and to one of the first and second antennas,” — See page 17, lines 13-15 which discloses, "each user equipment is not only assigned to one of the available carrier frequencies f_1 , f_2 but also to one of the antennas 110, 112."

“wherein the first and second signals are real time signals and the third and fourth signals are non-real time signals, the real time signals including at least one of voice signals and video signals.” — See page 14, lines 11-13 which discloses, "The transmitter 100 serves to transmit both real time and non-real time signals to the UEs. Real time signals, such as voice or video signals, are transmitted via DPCHs," and page 15, lines 6-7 which discloses, "For the HS-DSCH the transmitter has code multiplexes 118 and 120. Code multiplexer 118 has an input for receiving of non-real time signals"

With regard to claims 7 and 10, the Examiner alleges that the limitations "fourth component, fifth component, sixth component, seventh component, eighth component, ninth component, tenth component, eleventh component" are not supported by the specification.

The above-noted limitations are supported throughout the specification and drawings at least, for example, at FIG. 7. Applicant respectfully submits that the claims are not required to use the exact terminology used in the specification. As illustrated in FIG. 7, fourth component 102 receives first signals and fifth component 104 receives second signals. Sixth component 118 code-multiplexes third signals and seventh component 120 code-multiplexes fourth signals. Eighth component 106 and ninth component 108 add signal components. Tenth component 110 and eleventh component 112 provide power amplification.

With regard to claim 5, the Examiner alleges that the limitations "closed loop transmit diversity is applied for the third and fourth signals on a predetermined channel condition" are not supported by the specification.

The above-noted limitations are supported throughout the specification and drawings at least, for example, at page 13, line 13-page 14, line 4. As noted above, the “third and fourth

signals” are directed to HS-DSCH signals inputted to code multiplexes 118 and 120. See also page 15, lines 7-9 which disclose, “The embodiment of figure 9 is similar to the embodiment of figure 7. In addition to the embodiment of figure 7 closed loop transmit diversity is applied for HS-DSCH on good channels.”

In view of the above, Applicant respectfully submits that the limitations of claims 1-10 are fully supported by the disclosure. Accordingly, the 35 U.S.C. § 112, first paragraph, rejection of claims 1-10 should be withdrawn.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 1-10 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, first paragraph.

Applicant respectfully submits that support for the claim limitations has been identified in the specification. Therefore, Applicant submits that no new matter has been added.

Accordingly, currently pending claims 1-10 are patentable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/663,772

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis G. Plati, Sr.', written over a horizontal line.

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